

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2014 to December 31, 2014**  
*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Labor, **Bureau of Labor Standards**  
**Umbrella-Unit:** **12-170**  
**Statutory authority:** 26 MRSA §§ 771 – 773, 786  
**Chapter number/title:** **Ch. 11**, Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment  
**Filing number:** **2014-288**  
**Effective date:** 12/22/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The purpose of the rules is to further prevent the exploitation of Minors through hazardous working conditions in non-agricultural employment by providing better definitions and descriptions for student learners, the CTE (Career Technical Education) program, and the Junior Emergency Medical Services program.

**Basis statement:**

The purpose of the rules are to further prevent the exploitation of minors through hazardous working conditions in non-agricultural employment by providing better definitions and descriptions for student learners, the CTE (Career Technical Education) program, and the Junior Emergency Medical Services program. These rules do not supersede Sections 771 and 773 of 26 MRSA, which set minimum wages for employment in specific industries. The rules conform as far as practicable to the child labor provisions of the federal *Fair Labor Standards Act of 1938*, 29 *United States Code*, Section 212 and any associated regulations.

Under the proposed rules, a "Student Learner" is defined further to include the CTE cooperative program. The rules also defines that a "CTE-Student" is one who is enrolled in an approved CTE program offered from a CTE center or region as defined in State Statute 20-A ch. 313, sub-sections 830 I-A, 8306-B, 840 1, and 8451. The rules provide requirements for the CTE program to include close supervision by an experienced adult who has direct line of sight and within the student's audio hearing range. The CTE Program will provide basic safety training for the CTE-Student related to the selected program and field of work prior of CTE-Student performing work that would otherwise be prohibited by the rules. In the case of a CTE Cooperative Education program, the CTE Cooperative Education program instructor may arrange with job site supervisor for delivery of any required safety instruction. CTE program shall create any required schedule of work, educational performance deliverables and additional educational component found during live work field experiences as part of the written agreement. Additionally, all apprentice, CTE-Student, or student-learner programs must have a written agreement that provides a description of the job, processes, expectations, schedule of work and name of the individual. The employer and school coordinator or principal shall sign the agreement. CTE-students shall have a signed agreement between the student, CTE Instructor, CTE Coordinator (if any) and CTE Director. Copies of the agreement must be kept on file by both the school where the principal or director resides and the employer.

To further support all student learner programs, the rules also addresses 17-year-old high school graduates who have completed a training program but cannot currently be employed in a hazardous occupation due to their age. Under the proposed rules, the graduate may work in a hazardous occupation in which training under an apprentice or student-learner program has been completed as provided in this section, even though the youth is not yet 18 years of age. (For example: a graduate who is 17 years-of-age upon graduation and has completed several years of training but must wait 1-3 months until 18th birthdate to be employed in his or her trained profession that is currently prohibited for individuals under the age of 18).

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Lastly, the rules include definition, program overview, and hazardous occupations for Junior Emergency Medical Services (EMS) Persons, previously not identified under Title 26. A paid or volunteer junior emergency medical service person who is sixteen or seventeen years of age may partake in allowed activities as defined under the rules and in accordance with the *Maine Emergency Medical Service Act of 1982* (32 MRSA ch. 2-B), and the Maine EMS Rules.

**Fiscal impact of rule:**

The bureau does not foresee any additional costs associated with the proposed rule changes. By providing clearer, more defined descriptions, the bureau is providing better compliance assistance to the public.

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**Agency name:** Department of Labor, **Bureau of Employment Services**  
**Umbrella-Unit:** **12-597**  
**Statutory authority:** 26 MRSA §2033  
**Chapter number/title:** **Ch. 2**, Rules Governing the Competitive Skills Scholarship Program  
**Filing number:** **2014-066**  
**Effective date:** 4/15/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Competitive Skills Scholarship Program (CSSP) has been in effect since September, 2007. The proposed rule amendment improves the effectiveness and efficiency of CSSP. The proposed rule changes are made to provide clarity, efficiency of process and cost savings to the program fund, with the larger purpose of providing the CSSP employment training program opportunity to a greater number of eligible Mainers.

**Basis statement:**

Same as Principal reason or purpose for rule.

**Fiscal impact of rule:**

To be determined.

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**Agency name:** Department of Labor, **Bureau of Employment Services**  
**Umbrella-Unit:** **12-597**  
**Statutory authority:** 26 MRSA §2051  
**Chapter number/title:** **Ch. 1**, Rules Governing Implementation of the Trade Adjustment Assistance Program  
**Filing number:** **2014-263**  
**Effective date:** 10/28/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

CareerCenter staff will follow the benefits as outlined in the rule changes for customers they are serving under this program.

**Basis statement:**

The *Trade Act of 1974* ("Trade Act") established the Trade Adjustment Assistance Program, which provides re-employment services hereafter referred to as Trade Adjustment Assistance (TAA) and monetary benefits, Trade Readjustment Allowances (IRA). TAA includes reemployment services such as counseling, testing, training, placement and other supportive services for workers adversely affected. TRA provides monetary allowances while in training, job research and relocation allowances.

**Fiscal impact of rule:**

None